



# FLO

U.S. DEPARTMENT OF STATE

*Advocacy Programs Services*

**FAMILY MEMBER EMPLOYMENT**

## **Teleworking for U.S. Companies from Overseas**

“Telework,” “telecommuting,” “remote work,” “virtual work,” and “work from home” are all terms used to refer to work done outside of the traditional on-site work location. These terms are used in creating different types of work arrangements ranging from a full-time telecommute to working from home once a week.

The U.S. Office of Personnel Management (OPM) defines telework as “work arrangements in which an employee regularly performs officially assigned duties at home or other work sites geographically convenient to the residence of the employee.”

FLO is not aware of any international law or standard for teleworking/telecommuting, and there is no specific guidance for foreign affairs family members relating to commercial telework arrangements or work permit requirements. However, when taking into account the definition of “telework,” FLO’s position is that the establishment of a full-time telework arrangement with a U.S. company should follow the same guidelines whether the employee is located in another U.S. city or overseas. Regardless of location, it is necessary that a full-time telework arrangement designates the “home office” of the employee. The “home office” of the teleworker essentially represents the actual physical location of the company to which the employee and the job are connected; the “home office” is responsible for the hiring, compensation, and supervision of the teleworker.

The “home office” of a family member teleworking for a U.S. company from overseas would of course be the company location in the United States. To avoid tax and legal work authorization issues, a telework arrangement for a U.S. citizen and employee of a U.S. company should logically meet all of the following criteria:

- Employee is on payroll of the U.S. company.
- Employee is paid in U.S. Dollars into a U.S. bank account.
- Employee’s duties directly relate to and benefit the operations of the U.S. company in the U.S. or other foreign economies external to the employee’s physical host country.
- Employee has no professional role or interaction on the local economy at his/her overseas location, including:
- Employee's work site/space is located in the employee's personal residence and NOT in the office of a local branch of the employer or a locally rented business space.

- Employee's duties do not involve business on the local economy on behalf of the U.S. company.

All work including paid employment for foreign affairs family members under Chief of Mission authority requires the approval of the post management officer, per [3 FAM 4125](#).<sup>\*</sup> This is also true for family members who are commercial teleworkers, especially as they will be working from their U.S. mission residence. Telework typically only involves working on a personal computer and communication on the phone, so it normally will not be a violation of [15 FAM 246](#).<sup>\*</sup> For example, a teleworker should not have additional professional staff in the residence or equipment that poses security and liability issues.

The U.S. Office of Personnel Management (OPM) also provides guidance on teleworking at [www.telework.gov](http://www.telework.gov).

*\*View the Foreign Affairs Manual (FAM) online at [www.state.gov/m/a/dir/reg/fam/](http://www.state.gov/m/a/dir/reg/fam/)*